

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA,	§	
<i>Plaintiff</i>	§	
	§	
v.	§	CIVIL ACTION NO. 4:20-CV-1351
	§	
REAL PROPERTY LOCATED	§	
AT 20 IRWIN STREET IN	§	
NEW HYDE PARK, NEW YORK,	§	
	§	
\$25,550.00 in U.S. CURRENCY,	§	
	§	
ONE HUNDRED SIXTY-EIGHT	§	
THOUSAND THREE HUNDRED	§	
THIRTY-SEVEN (168,337)	§	
ASSORTED GENERIC AND	§	
COUNTERFEIT ELECTRONICS,	§	
	§	
and	§	
	§	
EIGHTY-FOUR THOUSAND	§	
THREE HUNDRED FIFTY-FOUR	§	
(84,354) LABELS BEARING	§	
COUNTERFEIT MARKS	§	
<i>Defendants in Rem.</i>	§	

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America files this action for forfeiture in rem and alleges upon information and belief:

NATURE OF ACTION

1. This is a civil action in rem brought by the United States to forfeit and condemn to the use and benefit of the United States real property located at 20 Irwin Street in New Hyde Park, New York (the “Defendant Real Property”); \$25,550.00 in U.S. currency (the “Defendant Funds”); electronics intended to be used in the trafficking of counterfeit merchandise (the “Defendant Merchandise”); and labels bearing counterfeit marks intended to be used in the trafficking of counterfeit merchandise (the “Defendant Labels”) (collectively the “Defendants In Rem”).

2. The Defendants In Rem are subject to forfeiture pursuant to 18 U.S.C. § 2323(a), as property the making or trafficking of which is prohibited under 18 U.S.C. § 2320, as property used or intended to be used in any manner or part to commit or facilitate the commission of violations of 18 U.S.C. § 2320, and/or as property constituting or derived from proceeds obtained directly or indirectly as a result of trafficking in counterfeit goods, in violation of 18 U.S.C. § 2320.

THE DEFENDANTS IN REM

3. The Defendants In Rem consist of the following:
- a. Real property located at 20 Irwin Street in New Hyde Park, NY, including all improvements, buildings, structures, and appurtenances, more particularly described in Instrument Number 2016-00083028 of the real property records of Nassau County, NY. The record owners of the Defendant Real Property are Tian Xiang Huang and Meifen Lin, husband and wife.

- b. Approximately twenty-five thousand five hundred fifty dollars (\$25,550.00) in U.S. currency seized from the Defendant Real Property on or about February 20, 2020.
- c. One thousand one hundred eighty-four (1,184) adapters that are either counterfeit or legally compatible generic adapters,¹ seized from the Defendant Real Property on or about February 20, 2020.
- d. One thousand seven hundred sixteen (1,716) laptop batteries that are either counterfeit or legally compatible generic laptop batteries, seized from the Defendant Real Property on or about February 20, 2020.
- e. Seven thousand four hundred seventy-eight (7,478) labels bearing assorted counterfeit marks, seized from the Defendant Real Property on or about February 20, 2020.
- f. Thirty-three thousand sixty-two (33,062) adapters that are either counterfeit or legally compatible generic adapters, seized from 127 Albertson Avenue, Albertson NY 11507 on or about February 20, 2020.
- g. Seventy-four thousand nine hundred twenty-four (74,924) laptop batteries that are either counterfeit or legally compatible generic laptop batteries, seized from 127 Albertson Avenue, Albertson NY 11507 on or about February 20, 2020.
- h. Seventy-six thousand eight hundred seventy-six (76,876) labels bearing assorted counterfeit marks, seized from 127 Albertson

¹ As described in more detail herein, the counterfeit trafficking scheme in this case involved the separate importation of (1) unbranded generic electronics that are legally compatible with name brands such as Apple, Dell, Hewlett Packard, Lenovo, and others and (2) labels bearing counterfeit marks. The seizures in this case involve electronics that have counterfeit labels affixed as well as generics that had not yet been labelled at the time of seizure.

Avenue, Albertson NY 11507 on or about February 20, 2020.

- i. Thirty-one thousand four hundred forty-five (31,445) legally compatible generic adapters, seized from an international shipping container on or about March 5, 2020.
- j. Twenty-six thousand six (26,006) legally compatible generic laptop batteries, seized from an international shipping container on or about March 5, 2020.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

5. This Court has in rem jurisdiction over the Defendant Property pursuant to 28 U.S.C. § 1355(b)(1)(A) because acts and omissions giving rise to the forfeiture occurred in the Southern District of Texas.

6. Venue lies in the Southern District of Texas pursuant to 28 U.S.C. § 1355(b)(1)(A) and 28 U.S.C. § 1391(b)(2) in that the acts and omissions giving rise to the forfeiture occurred in this district.

STATUTORY BASIS FOR FORFEITURE

7. Pursuant to 18 U.S.C. § 2320, it is unlawful to intentionally traffic in goods and knowingly use a counterfeit mark on or in connection with such goods. Pursuant to 18 U.S.C. § 2323(a), any property the making or trafficking of which is prohibited under 18 U.S.C. § 2320, any property used or intended to be used in any

manner to commit or facilitate the commission of such offense, and any property constituting or derived from any proceeds obtained directly or indirectly from the trafficking of counterfeit goods in violation of 18 U.S.C. § 2320 is subject to forfeiture to the United States.

FACTUAL BASIS

8. Besell, Inc. is a New York domestic business corporation registered on or about October 20, 2015.

9. In February 2018, a special agent with the United States Department of Homeland Security, Homeland Security Investigations (HSI), located in Houston, Texas, received information from Hewlett Packard that it had conducted controlled online purchases from Besell of what was purported to be Hewlett Packard merchandise. Besell fulfilled these purchases using the address of the Defendant Real Property. Hewlett Packard confirmed that the purported Hewlett Packard merchandise shipped by Besell was counterfeit.

Information from Customs and Border Protection

10. According to records maintained by Customs and Border Protection (CBP), Besell has been importing items since at least August 2016.

11. According to CBP records, Besell has received shipments at the following addresses:

- a. The Defendant Real Property
- b. 127 Albertson Avenue, Albertson NY 11507 (“127 Albertson Avenue”)
- c. 1900 Jericho Turnpike Unit M1031 and M1019, New Hyde Park, NY 11040 (“1900 Jericho Turnpike”)
- d. Room 1409, 50 Carnation Avenue, Floral Park, NY 11001 (“50 Carnation Avenue”)

On these importations, Besell has used the name(s) of an individual(s) listed as “Jenny BV,” “Jenny,” and “Jenny Meif Lin.”

12. According to CBP records, Besell imported items from at least two known counterfeit suppliers based in China in 2018 and 2019.

13. According to CBP records, addresses used by Besell to receive shipments are also associated with importations described as “Stickers” to individual(s) listed as “Jenny Meif Lin” and “Alice Lin.”

14. On or about May 26, 2017, CBP seized an importation described as “Stickers” to “Alice Lin” at 1900 Jericho Turnpike. The package was found during inspection to contain thousands of labels for computer batteries with logos and names for brands such as Hewlett Packard, Sony, and others. A CBP Import Specialist deemed the labels counterfeit, as the private companies identified on the labels do not comingle their products nor do they import labels that are not affixed to the products they represent. The importation of counterfeit labels is one scheme

employed by international counterfeiters, whereby fake labels are imported separately from the goods that the fake labels will be attached to. This method is deployed as a tactic to avoid detection by CBP and law enforcement.

Undercover Purchases from Houston, Texas

15. Between February 2019 and October 2019, HSI Special Agents in Houston, Texas, conducted multiple undercover purchases of branded laptop batteries from Besell. Besell fulfilled these online orders by shipping product to Houston through the U.S. Postal Service and other delivery methods using return addresses of the Defendant Real Property, 127 Albertson Avenue, 50 Carnation Avenue, and 50 Carnation Avenue, New Hyde Park, NY 11040². Names listed on the shipments included “Alice Lin” and “Jenny Lin.”

16. HSI Special Agents completed the first undercover purchase from Besell on Amazon.com, then moved to direct email communication with Besell for later undercover purchases. In email communications, terminology associated with counterfeit electronics such as “AAA quality” was used. Besell also agreed to and did ship labels separately from product, consistent with the counterfeiting scheme described above.

17. Once HSI Special Agents received batteries and/or labels from Besell

² According to the U.S. Postal Service, this return address is not a valid address.

in Houston, Texas, they sent photographs of the items to the private companies listed on the labels. HSI Special Agents received confirmation from Hewlett Packard, Lenovo, and Underwriters Laboratories (UL)³ that multiple items shipped by Besell were counterfeit.

Identification of Meifen Lin, a/k/a “Jenny Lin” and “Alice Lin”

18. To complete the undercover purchases from Besell, HSI Special Agents requested identifying information for a wire transfer. Besell responded by email that the following information corresponded to its warehouse:

Country: United States

Name: Jenny

Address: 127 Albertson Ave.

City: Albertson

State/Province/Region: NY (New York)

ZIP/Postal Code: 11507-2102

Phone: 201-899-9996

19. The phone number 201-899-9996 was also associated with shipments received by HSI Special Agents from Besell. A database check querying that number uncovered Currency Transaction Reports (CTRs) from 2015 and 2016, documenting large cash withdrawals by an individual identified as Meifen Lin.

³ Founded in 1894, UL is one of the oldest certification companies in the United States and is an industry leader in battery safety testing with over 30 years of experience testing battery performance. Within the battery industry, UL safety certifications are common. The display of the UL certification mark on a product is the manufacturer’s representation to the public, with UL’s permission, that the product meets UL’s specified rigorous product safety and/or performance standards.

20. Lin, with her spouse Huang Tian Xiang, is the record owner of the Defendant Real Property. Lin goes by the name “Jenny” and, on information and belief, also uses the name “Alice” as a pseudonym when transacting business online.

21. In January 2020, law enforcement conducted surveillance at the Defendant Real Property. They observed Lin in the driveway of the Defendant Real Property. While the door to a detached garage was open, law enforcement observed pallets of shrink-wrapped boxes inside.

22. In January 2020, law enforcement received confirmation that one of the addresses used by Besell—50 Carnation Avenue—is a storage unit rented to and being paid for by Lin.

Execution of Federal Search and Seizure Warrants on February 20, 2020

23. On February 20, 2020, law enforcement executed federal search and seizure warrants at the Defendant Real Property, 127 Albertson Avenue, and 50 Carnation Avenue. The warrants authorized law enforcement to search the locations for evidence, fruits, and instrumentalities of violations of federal law including 18 U.S.C. § 2320 (Trafficking in Counterfeit Goods).

24. During the search of the Defendant Real Property, law enforcement encountered Meifen Lin. Lin admitted to law enforcement that her only source of income is the e-commerce sales of electronics.

25. During the search of the Defendant Real Property, law enforcement

seized:

- a. Approximately two thousand nine hundred (2,900) electronics and seven thousand four hundred seventy-eight (7,478) labels bearing counterfeit marks from the detached garage at the Defendant Real Property. All electronics and labels seized from the Defendant Real Property are included in the Defendant Merchandise and Defendant Labels, detailed above.
- b. \$25,550.00 in U.S. currency, found in the bedroom used by Lin.

26. During the search of 127 Albertson Avenue, law enforcement encountered Xiongwei Chen, who agreed to speak with law enforcement. Chen stated that he and his wife both work for the company operating at that location, that the company has only a few employees, and that the person in charge is Jenny Lin. He described that part of his job includes replacing labels on electronics imported from China, a task he had been in the middle of performing when law enforcement entered the premises.

27. During the search of 127 Albertson Avenue, law enforcement seized approximately one hundred seven thousand nine hundred eighty-six (107,986) electronics and seventy-six thousand eight hundred seventy-six (76,876) labels bearing counterfeit marks. All electronics and labels seized from 127 Albertson Avenue are included above in the Defendant Merchandise and Defendant Labels, detailed above.

28. Representatives from Hewlett Packard and Underwriters Laboratories were present during the execution of the federal search and seizure warrants at the Defendant Real Property and 127 Albertson Avenue and confirmed that all electronics and/or labels seized bearing marks of their respective companies are counterfeit.

Seizure of Inbound International Shipping Container on March 5, 2020

29. At the time of the execution of the search warrants on February 20, 2020, HSI special agents were aware of an inbound shipping container in international waters that was destined for Besell Inc. at 127 Albertson Avenue. At some point after the execution of the search warrants, but before the shipping container arrived in the United States, the destination had been altered to an individual identified as “Xia Chen” at a Staten Island address with a listed contact email address of ***cxjennifer@yahoo.com***. Although the destination address and name were changed, CBP records continued to display Besell Inc. as the ultimate consignee of the shipment.

30. On or about March 5, 2020, law enforcement intercepted the shipping container and seized its contents, approximately fifty-seven thousand four hundred fifty-one (57,451) legally compatible generic electronics. All electronics seized from the shipping container on or about March 5, 2020 are included in the Defendant Merchandise, detailed above.

CLAIM FOR RELIEF

31. The Defendants In Rem constitute property the making or trafficking of which is prohibited under 18 U.S.C. § 2320; property used or intended to be used in any manner or part to commit or facilitate the commission of violations of 18 U.S.C. § 2320; and/or property derived from proceeds obtained directly or indirectly as a result of violations of 18 U.S.C. § 2320.

32. As a result of the foregoing, the Defendants in Rem are liable to condemnation and forfeiture to the United States in accordance with the provisions of 18 U.S.C. § 2323(a).

NOTICE TO ANY POTENTIAL CLAIMANTS

YOU ARE HEREBY NOTIFIED that if you assert an interest in the Defendant Property which is subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than thirty-five (35) days from the date this Complaint has been sent to you in accordance with Rule G(4)(b); or, if this Complaint was not sent to you, no later than 60 days after the first day of publication of notice on an official government forfeiture internet site, in accordance with Rule G(5)(a)(ii)(B).

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure

must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas, and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this Complaint.

The United States will serve notice, along with a copy of the Complaint, on the property owners and on any other persons who reasonably appear to be potential claimants.

REQUESTED RELIEF

Wherefore, the United States of America requests that a judgment of forfeiture be entered against the Defendant Property and in favor of the United States of America in addition to such costs and other relief to which the United States may be entitled.

Respectfully submitted,


RYAN K. PATRICK
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VERIFICATION

I, Christiansen Madsen, a Special Agent with the United States Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations, hereby verify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the facts set forth in paragraphs 8 through 30 (the Factual Basis) in the foregoing Complaint For Forfeiture In Rem are based upon my personal knowledge, upon information obtained from other law enforcement personnel, or upon information I obtained in the course of my investigation. Those facts are true and correct to the best of my knowledge and belief.

Executed on the 16th day of April, 2020.



Christiansen Madsen